

Amendments to the Drawings:

The attached sheet of drawings includes changes to Figures 1-2. These sheets replace the original sheets including Figures 1-2.

Attachment: Replacements Sheets

REMARKS

This Response is submitted in reply to the Office Action dated November 22, 2005. Claims 1 and 7 have been amended. Claims 8 and 10-18 have been canceled, and Claims 19-28 have been added. No new matter has been added to the Claims. Please charge Deposit Account No. 02-1818 for any insufficiency or credit for any overpayment due in connection with this Response.

Specification

The Office Action stated that the abstract of the disclosure does not commence on a separate sheet in accordance with 37 C.F.R. § 1.52(b)(4), asserting that a new abstract of the disclosure is required and must be presented on a separate sheet, apart from any other text. Applicant has met such requirement pursuant to the Preliminary Amendment submitted on October 15, 2004. Accordingly, Applicant respectfully submits that the Specification meets the requirements of 37 C.F.R. § 1.52(b)(4).

Applicant has amended the Specification to reflect the reference numerals added in the Drawing amendment described below. Also, Applicant has added certain terms, identified by reference numerals, to the Specification to illustrate the features set forth in the new Claims submitted herewith. No new matter has been added by such amendments.

Drawings

The Office Action objected to the drawings as failing to comply with 37 C.F.R. § 1.83(a), stating that the Drawings did not show the following features specified in the Claims: the pockets of the strips, the pair of flexible straps being "welded" together, the uniform polarity arrangement, the at least one means to carry an article and the rust reducing coating. The Office Action stated that corrected sheets in compliance with 37 C.F.R. § 1.121(d) are required in reply to the Office Action to avoid abandonment of the application. Applicant has amended the Drawings to overcome such objection. No new matter has been added by such amendment. Accordingly, Applicant respectfully submits that Applicant has overcome such objection.

Claim Rejections – 35 U.S.C. § 112

The Office Action rejected Claim 8 under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicant regards as the invention. Specifically, the Office Action cited a lack of clarity regarding the “uniform polarity” term of Claim 8. Applicant has canceled Claim 8 without prejudice or disclaimer. Accordingly, Applicant respectfully submits that such rejection has been overcome.

Claim Rejections – 35 U.S.C. § 103

The Office Action rejected Claims 1-2 and 15-16 under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,530,508 to Devine (“Devine”) in view of U.S. Patent No. 4,826,059 to Bosch et al. (“Bosch”). Applicant has canceled Claims 15 and 16 without prejudice or disclaimer. Applicant has also amended Claim 1 to overcome such rejection. Specifically, amended Claim 1 (and Claim 2 which depends therefrom) are generally directed to a magnetic tape having, among other elements, a pair of flexible strips being connected in a face to face relationship with one another at a plurality of spaced-apart connection areas. The flexible strips define a pocket positioned between each one of the connection areas. The magnetic tape also has a plurality of magnets housed within a plurality of the pockets. The magnets are movable within the pockets, and the magnets are spaced longitudinally along the flexible strips in one or more rows. Each of the magnets has a first side associated with a first polarity and a second side associated with a second polarity. The magnets are oriented such that the first sides of the magnets are adjacent to one of the flexible strips and the second sides of the magnets are adjacent to the other flexible strip. The magnets are operable to provide the flexible strips with a plurality of detachable connection regions, enabling a detachable connection between: (a) at least one of the detachable connection regions of one of the flexible strips; and (b) at least one of the detachable connection regions of the other flexible strip so as to form a closed loop.

Devine discloses a utility wristband for holding magnetically attractable metallic work items against the wristband for convenient access. Devine’s wristband has one end with a hook fastener arrangement and the other end with a loop fastener arrangement. Bosch discloses a magnetic tool holder containing an apron. Bosch’s tool holder has an attachment means, such as

clamps, clips, loops or straps, that allows the user to wear the tool holder. Devine and Bosch do not, separately or collectively, disclose, teach or suggest the subject matter defined by amended Claim 1. Accordingly, Applicant respectfully submits that Claims 1-2 are in condition for allowance.

The Office Action, under 35 U.S.C. § 103(a), rejected: (a) Claims 3 and 13 as being unpatentable over Devine, as modified, as applied to Claim 1 above, and further in view of U.S. Patent No. 3,483,494 to Cromie ("Cromie"); (b) Claims 4 and 6 as being unpatentable over Devine, as modified, as applied to Claim 1 above, and further in view of U.S. Patent No. 5,604,960 to Good ("Good"); (c) Claim 5 as being unpatentable over Devine, as modified, as applied to Claim 1 above, and further in view of U.S. Patent No. 5,593,073 to Finnegan ("Finnegan"); and (d) Claims 17-18 as being unpatentable over Devine, as modified, as applied to Claim 1 above, and further in view of U.S. Patent No. 2,864,096 to Garber ("Garber"). Applicant has canceled Claims 13 and 17-18 without prejudice or disclaimer. The remaining rejected Claims 3-6 depend from amended Claim 1. Because amended Claim 1 is patentably distinguished over Devine and because the Office Action uses the secondary references above only to address elements of dependent Claims 3-6, Applicant respectfully submits that the Office Action's combinations of Devine with Cromie, Good, Finnegan, and Garber do not disclose, teach, or suggest the elements of amended Claim 1 or Claims 3-6 which depend therefrom. Accordingly, Applicant respectfully submits that Claims 3-6 are in condition for allowance.

Applicant has also added new Claim 19 (and new Claims 20-23 which depend therefrom) and new Claim 24 (and new Claims 25-28 which depend therefrom). New Claim 19 (and new Claims 20-23 which depend therefrom) are generally directed to a flexible securing device comprising a plurality of sides and a plurality of connectors connecting the sides together at a plurality of flexible connection regions. The connection of the sides to one another form a plurality of pockets with each one of the pockets being positioned between a plurality of the flexible connection regions. The flexible securing device is flexible between a first position in which the flexible securing device has a non-loop configuration and a second position in which the flexible securing device has a loop configuration. The flexible securing device also comprises a plurality of magnetic members, and each one of the magnetic members has a positive polarity side and a negative polarity side. These magnetic members are positioned

within the pockets so that the positive polarity sides are adjacent to one of the sides of the flexible securing device and the negative polarity sides are adjacent to another one of the sides of the flexible securing device. Applicant respectfully submits that Claims 19-23 are in condition for allowance.


New Claim 24 (and new Claims 25-28 which depend therefrom) are generally directed to a flexible device including a first side having an interior surface and an exterior surface. The flexible device includes a second side having an interior surface and an exterior surface. Also, the flexible device includes a plurality of connectors connecting the interior surfaces of the first side and the second side to one another at a plurality of spaced-apart connection regions. The flexible securing device is flexible into a closed loop shape in which the exterior surfaces of the first side and the second side are connected to one another. The first side and the second side define a plurality of spaces, and each one of the spaces is positioned between a plurality of the connection regions. The flexible device also includes a plurality of magnetic members, where each one of the magnetic members is positioned within one of the spaces. Applicant respectfully submits that Claims 24-28 are in condition for allowance.

An earnest endeavor has been made to place this application in condition for formal allowance and is courteously solicited. If the Examiner has any questions regarding this Amendment, the Applicant respectfully requests that the Examiner contact the undersigned.

Respectfully submitted,

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BY



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Dated: February 22, 2006